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The Summit Meets IEB

A resolution adopted at the 1987 ICSOM conference called for the establishment of a summit committee composed of representatives of ICSOM, the Organization of Canadian Symphony Musicians (OCSM), the Regional Orchestra Players Association (ROPA), and the Recording Musicians Association (RMA). The summit committee meets to discuss areas of common interest among these groups of active working musicians, and works in concert to address these interests.

The summit meeting held at the 1988 ICSOM conference focused on the AFM's symphony and recording departments. The position of the summit was that these departments need more staff in order to deal effectively with the needs of symphony and recording musicians in the United States and Canada. Those present felt that this could best be accomplished by meeting directly with the International Executive Board (IEB) of the Federation.

The summit committee (consisting of the chief executive of each of the member organizations) was invited by AFM president J. Martin Emerson to speak to the IEB during its September meeting at the George Meaney Center in Silver Spring, Maryland. This historic occasion was the first time that representatives of these conferences had jointly met with the IEB. The discussion was constructive and cordial. The IEB was concerned about costs, but more concerned about the difficulty of finding qualified people. The

summit made reference to the amount of work dues collected by the Federation from the musicians in the four conferences, and offered to help find and/or train people for the symphony and recording departments.

Later during its meeting, the IEB adopted a resolution recognizing the need for more staffing in the symphony and recording departments. A September 21, 1988 letter from President Emerson states that he intends to review staffing problems with Lew Waldeck from the symphony department, and that the IEB shares our concerns regarding the level of service required and expected from the Federation. He also states that he is interested in receiving resumes from any applicant we feel is qualified to work for the Federation. Any active or retired member of an ICSOM orchestra who is interested in working for the union should contact ICSOM chairperson Brad Buckley, ICSOM president Melanie Burrell, or the AFM symphony department for more information.

This meeting was a good example of the kind of constructive communication we need to have with our union both on a national and local level, and I look forward to more such positive encounters in the future.

Brad Buckley ICSOM Chairperson



Dick Decker's remarks about troubled orchestras stir emotions at the 1988 ICSOM Conference in Buffalo. See "Position Paper" on page 5.

Photo by Mark Schubert Honolulu Symphony ICSOM Delegate

Seattle Leaves the AFM

Rumblings of discontent that started around 1980 in Seattle exploded this summer in the orchestra's decision to leave the American Federation of Musicians. A series of unresolved misunderstandings over the past eight years has turned into a major blow to union solidarity.

The representation elections held by the National Labor Relations Board (NLRB) on September 7 and October 4 in Seattle were the culmination of years of deteriorating relations between the Seattle Symphony Orchestra (SSO) musicians and Local 76 of the AFM. [Although this was technically a representation election, the result was also to decertify the AFM. Separate elections were held for the symphony, opera, and ballet orchestras.] In choosing the International Guild of Symphony, Opera, and Ballet Musicians as their bargaining representative, the Seattle orchestras became the only professional North American orchestras outside the AFM.

The solidarity of the orchestra community has been broken. Having left the AFM, the Seattle orchestras can not receive strike fund benefits. They can no longer advertise their vacancies in the *International Musician*. The AFM and Guild are not obligated to honor each other's picket lines. Because the Guild may not affiliate with the AFL-CIO, the Seattle musicians have forfeited association with the powerful King County Central Labor Council. Musicians who join the Guild may not belong to the AFM. If less than a majority of the orchestra remains in the AFM, the orchestra will lose its membership in ICSOM.

Orchestra/Local Relations

Complaints about Local 76 have been aired before in these pages (October 1985, June 1988). Exactly what services was Local 76 providing the SSO players?

As of 1983, the local paid for the orchestra's ICSOM delegate to attend the annual ICSOM conference, attorney's fees for negotiation and grievances, and a \$5,000 stipend to the orchestra negotiating committee during negotiations. The orchestra players, meanwhile, were pumping in 79% of Local 76's work dues while constituting about 6% of the local's membership. On the surface, the local appeared to provide good service to its orchestra, although the orchestra was certainly more than subsidizing the cost of such service in work dues.

By the 1980s, the local's membership had shrunk from almost 3,000 to about 1,400, with a corresponding drop in non-symphony revenue. Because there is such a great deal of non-union work in Seattle, the SSO musicians pay an extremely high proportion of the local's work dues. Among other reasons for the proliferation of non-union work, the local made almost no effort to organize the club date and recording fields, regarding the orchestra's work dues as "captive" money.

What were the orchestra members doing for the local besides pouring money into it? 1980 was the first year in which no one from the orchestra ran for election to union office. Over the past seven or eight years, participation in the local by orchestra members has been sporadic, with almost no interest shown except for orchestra-related issues. Until recently, orchestra members have sat on various union committees such as finance and retirement, although the local alleges that the players rarely participated or came to meetings.

1980 was a pivotal year in orchestra/union relations. Legislation passed at the AFM convention mandated the establishment of a minimum 1% work dues to be collected at the local level; each local would forward .5% work tax to the Federation. The 1980 legislation also lifted caps on work dues for players in a local union. Before this legislation was passed, players who did not belong to Local 76 but who played in that jurisdiction (i.e., traveling musicians) had to pay the full percentage amount, whereas members of the local paid only up to the cap. For the Seattle symphony players, what had been an annual expenditure of about \$235 jumped to about \$800 when the cap was lifted. Although the orchestra members claim that the local voted for the work dues legislation, the Official Proceedings of the AFM show that in 1981, the local voted for repeal of the work dues legislation.

Symphony musicians in Seattle decide they would rather play by their own rules.

A frequently aired frustration of the orchestra musicians concerns the small size (89) of their number compared to the number of life members (700) in Local 76. It seems that the "old guard" was rather removed from the profession and could not relate to the concerns and needs of the SSO players. One example cited was the resistance to paying for a lawyer to be at the negotiating table. Another allegation was that meetings were often held at times which were inconvenient if not impossible for the SSO musicians to attend. According to the most recent secretary-treasurer, Ring Warner, the local sometimes resorted to letter campaigns to influence votes of the life members. The SSO players consistently acknowledge that no effort had been made to form coalitions or to attempt to educate the powerful voting block of life members who didn't understand symphony concerns; such outreach efforts have been very effective in Los Angeles and other locals.

An example of the cavalier way in which Local 76 treated its symphony players is illustrated by a scuffle in 1984 concerning negotiation expenses. Calculating that the most recent negotiations had cost about \$30,000, the orchestra requested \$40,000 for upcoming negotiations. The local responded with a budget of \$5,000. Ken Shirk, who was then secretary-treasurer of Local 76, maintained that announcing any budget for negotiations would be politically unwise. When asked whether there could have been some way to assure the orchestra that appropriate funding for negotiations would be forthcoming, Shirk responded, "Sure, we could've told them that. But we didn't." When asked why not, Shirk replied, "The most tragic thing is that this whole dispute was more a personality clash than anything else. There was never any serious disagreement with the notion that the local should undertake negotiation expenses; the players were paying for that. People did not know how to be polite and arrive at an understanding."

The misunderstanding escalated. During 1984, SSO players made several attempts to pass local bylaws, one of which purported to remove Local 76 as the bargaining agent. This was ruled out of order by the Federation. A second resolution proposed that the local allocate a fixed amount or percentage of money for orchestra

expenses or negotiations.

Reportedly, no more than 50 non-orchestra members show up at any given local union meeting. In the 1984 bylaw vote crucial to the orchestra, concerning the funding of negotiations, only 50 of the 86 orchestra players appeared at the union meeting. The proposal was defeated by two votes.

In one instance, even when the local and the orchestra could manage to come to consensus, their efforts were defeated by the Federation. SSO musician Marilyn Garner and local secretary Ken Shirk figured out a way to reduce work dues to 1%, giving substantial relief to symphony players. A proposal detailing their agreement was sent for approval to the IEB and ultimately referred to Victor Fuentealba, who was then AFM president. He telephoned to ask if the local could live with the proposal. A former secretary-treasurer substituting in the office that day told Fuentealba the local couldn't, and on the basis of that reply, Fuentealba denied permission for the local to implement the plan. Why did the president act on the advice of the former rather than the current local officer? Why didn't the current officer protest this outcome?

Fuentealba then dispatched an international representative to Seattle. The players were threatening to remove the union security clause from their contract so that musicians would not have to belong to the union in order to be employed in the orchestra.

As if the situation weren't tangled enough, two officers in the local then hammered out a work dues reduction plan which they took directly to the SSO players, bypassing the orchestra committee. Although this was accepted in an orchestra meeting, two members of the committee resigned in protest, and when the proposal was brought before the local's membership, they lobbied successfully for defeat of the proposal, calling it fiscally irresponsible. Had the proposal been implemented, work dues for the orchestra would have been reduced to 2%.

Core Non-Membership

Randy Baunton (founder and now president of the Guild) became a core non-member in April 1985. [A core non-member does not belong to the AFM or a local, has no voting rights, but pays the local a service fee equivalent to dues.] Baunton claims he sought core non-membership status for protection against fines or expulsion from the union and, consequently, from his symphony job. However, he says he was never actually fined or even threatened with fines. He says he would have remained a union member if he could have been guaranteed there would be no fines, yet he never asked for such a guarantee. IEB officer Richard Totusek says no threats were made and that the Federation stressed it would not fine Baunton or any AFM members for their dissenting beliefs. Interestingly, the Association for Union Democracy regards the AFM as the model of a democratic union with no history of punishing "thought crimes." There are presently officers in locals and the Federation who were extremely critical of the union in the past, but took over and achieved change through democratic means rather than leaving the union. Baunton remarked that although his decision to become a core non-member was to protect himself, other musicians who followed him viewed core non-membership as making a political statement. They preferred to give up their voting rights while paying the equivalent of full dues to the local.

The "Bandaid Fix"

Ultimately, Lew Waldeck arranged what came to be known as the "bandaid fix" in May 1985. Although this agreement gave

the players a 1.5% reduction in work dues (to 2.5%) over 2 years and paid the orchestra's ICSOM dues, AFM strike fund dues, \$7500 to the orchestra committee for each negotiation, and \$100/hour attorney fees for negotiations and grievances, the players were not satisfied. Randy Baunton described the agreement as a buyout and unfair, but hoped "at least they [the Federation] will stay out of our way." He and other players said that the orchestra was still paying a horrendous amount of work dues, while other local members didn't pay any or even file contracts. When pressed to explain what it would have taken to satisfy the SSO musicians, Baunton said, "Uniform and proportionate collection of dues from the whole membership."

In 1987, the local unilaterally altered the 1985 agreement, placing a \$30,000 ceiling on legal fees and reserving the right to approve the orchestra's selection of attorney. Chet Ramage, president of Local 76, maintains that in 1983, the players used a lawyer from a firm which had represented the National Right-to-Work Coalition; as this was in direct conflict with the aims of the union, the local wanted to be sure to avoid such a situation in the future. Ramage said the orchestra could submit names of several attorneys from which the local would choose.

Unilaterally altering the agreement was an egregious error on the part of the local. Ramage claims, and the Federation flatly denies, that the 1985 agreement was a one-time deal. The local did not consult with the Federation or with the orchestra before changing the agreement. When asked whether the local ever considered what this action would do to its relationship with the orchestra, former secretary Warner replied, "That is beside the point. By then, it wouldn't have mattered what we did." Warner indicated that the local assessed (incorrectly) that it would win a decertification election and thus could get away with altering the agreement.

The OSP

In 1988, the Federation devised the Orchestra Service Program (OSP) as a mechanism to provide better, more trusted representation to orchestras in spite of troubled relationships with their local unions, with costs paid by the Federation. IEB officer Totusek observed, "Within the current bylaws, the OSP comes as close as possible to having a shop local with the entire resources of the Federation." Yet the SSO rejected the OSP because, according to Baunton, "We would be better off with our local, because then we would have some control. We could possibly vote officers in and out; at least we have some clout in the local." This stance is confusing, given the players' efforts to operate independently of the local and their refusal to participate in the local, even to the extent of giving up voting rights. Another objection to the OSP was that the Federation, which would oversee everything, is three thousand miles away in New York. Because the SSO players seem to want to run their affairs without much input or "interference" from the Federation, this objection is surprising.

Recording

Perhaps one of the most insidious developments in 1988 concerned a recording deal with Delos Records. The orchestra wanted to make recordings and agreed in 1985 to the concept of service conversion. [Service conversion involves receiving time off instead of additional payment for recording.] The SSO has evolved its own set of rules for recording, ignoring the nationally negotiated recording agreements regarding service conversion and the consequences to other orchestras of breaking those agreements. Surpris-

ingly, Local 76 indicated its readiness to endorse a contract drawn up by the players. As AFM bylaws don't allow locals to change national contracts, the Federation prohibited the local from signing; this was perceived by the players as meddling in the orchestra's internal affairs.

Eventually, the recording issue became a rallying cry to try to draw people out of the AFM. Players were told that if they left the AFM, they would be free to record at lower rates (and undercut their colleagues in other orchestras). This is not correct, because any company signatory to the recording agreement must hire an AFM orchestra at national contractual rates. Even more importantly, what does the recording situation say about how Seattle views its role in the community of orchestras? Because the ICSOM media committee participates in the national negotiations for AFM recording agreements, ICSOM orchestras have input into the process. So far, the overwhelming consensus among the orchestras has been against allowing service conversion. Regardless of the merits of service conversion in any individual circumstance, behaving democratically and fairly means respecting that consensus, which the SSO staunchly refuses to do.

Self-Determination

The SSO musicians are very concerned about the right to self-determination. Baunton and others have protested the local's refusal to recognize a negotiating committee containing core non-members. Yet how could the local take any other position? As the authorized bargaining agent, why would the union endorse negotiators who refuse to belong to the AFM?

Baunton's concern with autonomy rings somewhat hollow in light of a recent action concerning the Los Angeles Philharmonic. Without consulting anyone in that orchestra, he filed a grievance with the NLRB on behalf of the Los Angeles Philharmonic players regarding the manner in which dues are deducted from their paychecks. Baunton explained that "we felt we would be able to do something those people had not been able to do for themselves: to force the AFM and/or their management to do what we considered to be the moral and legal thing." Acknowledging the impropriety of acting without the knowledge or approval of the orchestra, Baunton issued a letter of apology to the L.A. musicians. He commented, "We wouldn't try to take them out of the AFM without input from them."

Playing by the Rules

Article 13, Section 3 of the AFM bylaws states that an AFM musician may not belong to any musicians' union or organization not affiliated with the AFM. The AFM has indicated that those Seattle players who do not join the Guild are permitted to remain in the AFM. The Guild's bylaws state that although membership is voluntary, the Guild will not serve as bargaining agent for an orchestra in which fewer than 51% of the musicians have joined. The NLRB determined that 135 musicians were eligible to vote in the representation election; however, Baunton considers the unit to be 89 players. At press time, at least 50 members of the orchestra had either joined or pledged to join the Guild within 30 days. According to Article 3, Section 2a of the ICSOM bylaws, orchestras must have a majority of musicians in the AFM in order to belong to ICSOM. A motion at the 1988 ICSOM conference to allow orchestras to belong to ICSOM without belonging to the AFM was postponed indefinitely.

The Guild's Ultimatum

In May 1988, a meeting took place between representatives of the Guild and the Federation. The Guild presented three demands as a condition for withdrawing its petition to remove the AFM as bargaining agent:

- The AFM would charter musicians of the SSO as a separate, on-site local of the AFM. That local would operate on a totally autonomous basis and would not be subject to the bylaws, rules, and regulations, including recording agreements, of the AFM. The SSO musicians would make certain unspecified dues payments to the AFM which would then obligate the Federation to remove itself from the affairs of the SSO.
- The AFM would impose a trusteeship upon Local 76 as a preliminary step toward establishing autonomy for the Seattle Symphony Players Organization (SSPO).
- On or before June 1, 1988, AFM President Marty Emerson would agree in writing to have Local 76 disclaim any further interest in representing musicians of the SSO, and agree to the transfer of representational rights to either the SSPO or the Guild. In either event, work dues from the orchestra would not be remitted to Local 76 but to the SSPO or Guild, subject to whatever amounts those organizations would decide to give to the AFM and/or Local 76.

Of course, the IEB had no choice but to reject these demands.

The AFM's Final Offer

Just prior to the representation elections, the local, with substantial Federation input, offered the orchestra two voting and three advisory places on the union board. The local also proposed to allocate the orchestra's 2.5% work dues as follows: .5% to the Federation, 1% to the OSP, and 1% to a special fund for organizing the non-union work in Seattle in order to broaden the local's base of financial support. This proposal was not seriously considered by the orchestra. Did the proposal offer too little? Or was the orchestra simply not interested by then in considering a settlement with the local? SSO musician Steve Fissel commented, "If the people who started the Guild had put as much effort into building the local here or working within the union, they could have accomplished everything they wanted."

What has happened in Seattle could happen elsewhere if orchestras and their locals don't learn from this situation. Although the Federation and many of its locals are far from perfect, the strong consensus of ICSOM orchestras as represented by their delegates at the 1988 conference called for improving the union rather than leaving it. As we have seen from the developments in Seattle, poor communication and mutual lack of respect can quickly escalate into a situation that is difficult, if not impossible, to salvage.

Debbie Torch, Editor

Information for this article was obtained through interviews with: SSO musicians Randy Baunton, Steve Fissel, Marilyn Garner, and Nancy Griffin; Local 76 current and former officers Chet Ramage, Ring Warner, and Ken Shirk; Recording Musicians Association president Dennis Dreith; and Federation officials Lew Waldeck and Richard Totusek. The editor wishes to thank these individuals for their assistance.

A Position Paper: Troubled Orchestras

At its Februrary 1988 meeting in New York City, the ICSOM governing board discussed orchestras which have experienced financial problems severe enough to cause temporary or permament season disruptions. The discussion focused on what ICSOM could and should do to monitor such situations and prevent more of them from developing.

ICSOM counsel Leonard Leibowitz drafted a proposal for a potential independent study to address troubled orchestras, and identified some questions which need to be answered. "In order to seek ways and means to prevent future occurrences of these tragedies, it is imperative that we understand the dynamics of each situation and the reasons for the downfall of each of these organizations. What elements does each situation have in common with the others? What should musicians look for in their own situations which would portend similar ends? What can musicians and their unions do to prevent it from happening to their organizations? What information do we need to stay on top of the situation?"

The recent Beene study of the Oakland Symphony ("Autopsy of an Orchestra") is one of the most extensive analyses of orchestra operations. The report examines the reasons for failure in Oakland, and attempts to draw conclusions to help other orchestras deal with their problems. However, significant trends that would have legitimate use by other orchestras can not be drawn from the study of just one orchestra. There have been several American Symphony Orchestra League analyses of troubled situations, but none has the scope of the Beene report. Thus, further study is needed.

Outside funding will be necessary for the study. In order to obtain funding on a national level, ICSOM will need to convince donors of our willingness to sponsor a joint project and our interest in seeking an objective analysis of the problems of orchestras and workable solutions to prevent their demises.

A detailed study is enormously expensive and time-consuming; therefore, the delegates at the 1988 ICSOM conference endorsed the governing board's recommendation to commission a position paper from a professional arts consultant. The position paper would define our specific goals and the methodology necessary to achieve them. Pending the conclusions of the position paper, funding would be sought for the larger study.

- It is time to stop the hemorrhaging.
- It is time for ICSOM, OCSM, and ROPA to have the tools to identify the warning signs of failure.
- It is time to develop the methods to prevent more failures.
- It is time to eliminate the concept that bankruptcy and dissolution are the answers to incompetence.
- It is time to dispel the attitude that it can't be done in our town.

Perhaps there will be more situations such as have occurred in Oakland, Oklahoma, New Orleans, and Nashville before we succeed. But if we are true to the spirit of purpose as defined in our bylaws, then we should assume a leadership role in this issue and convince other representative bodies to join us in a new era of enlightenment regarding the arts.

Richard Decker Syracuse Symphony ICSOM Delegate Member-at-Large, ICSOM Governing Board

AFM Personnel At ICSOM Conference

AFM officials who attended the 1988 conference included president Marty Emerson; symphony department personnel Lew Waldeck, Lynn Johnson, Nathan Kahn, and Wayne King; and IEB officers Richard Totusek and Robert D'Arcy.

Emerson addressed the AFM's problems of declining membership and decreasing jobs. He spoke of the purpose and value of a union—to provide a balance of power between labor and management—and the importance of remembering how musicians have made progress over the years.

During his first year in office, Emerson implemented several new programs, including the orchestra service program, an emergency relief fund for regional orchestras, and a traveling musicians' emergency assistance program. Three new committees have been appointed by the IEB: fiscal review, benefits and services, and a committee on the future.

Emerson chronicled the Federation's efforts to resolve the situation in Seattle, and warned of the implications of decertification. He stressed the need for working within the union to effect change, and emphasized that we need more unity, not less.

Lew Waldeck also commented on the Seattle situation, acknowledging that the players do have problems with their local, but that their solution of leaving the AFM presents a threat to the monolithic solidarity we all have worked hard to achieve.

Cry Wolf!

Rather than the "normal" household menagerie of cats and dogs, Melanie Burrell raises miniature horses and has two pet wolves. Perhaps the experience of training wolves transfers well to administering ICSOM!

During Burrell's term of office as ICSOM chairperson, our industry was battered by orchestra bankruptcies, cancellations, and shutdowns. Burrell decried the treatment many orchestras have received at the hands of their boards and managements, and expressed the need for ICSOM to become involved in studying these crisis situations.

She participated in founding the summit committee, an official affiliation of ICSOM, OCSM, ROPA, and the RMA. One topic the summit has addressed is the structure of our relationship to the AFM. An ICSOM structure committee appointed by Burrell has been investigating possibilities such as forming a trade division within the AFM.

Among her duties as chairperson, Burrell conducted a meeting in Chicago of negotiating ICSOM orchestras each year. She also co-chaired meetings of the liaison committee, which convenes the ICSOM executive officers with representatives of the Major Orchestra Managers Conference. One area of liaison committee agenda in which Burrell has been especially active is the ICSOM medical questionnaire.

The ICSOM community will continue to benefit from Melanie Burrell's dedication, experience, and guidance, as she was elected president at the 1988 conference. Maybe ICSOM should think about adopting a wolf as its mascot...

In Support of Open Auditions

Would you admit the following people to an audition for a principal job in your orchestra?

A college teacher in New Mexico
A member of the Victoria Symphony
A Yale graduate student
A 21-year-old Curtis graduate
A section player from the San Francisco Symphony
A college teacher from North Dakota

These were the credentials of the principal wind players of the St. Paul Chamber Orchestra at the time they won their positions.

It is extremely difficult to decide from resumes whom to invite to a closed audition. Current practice in many orchestras seems to rely on a combination of word-of-mouth, tears, arm-twisting, and whom you know that knows someone on the committee.

The reason many orchestras have come to the point of denying so many players a chance to be heard seems to be the sheer number of people applying versus the limited time available to schedule auditions during our busy seasons.

We have often used the following technique for cutting down the hordes. Examine the resumes as they come in. If a name appears of someone you are eager to hear, let this person know immediately. To your seemingly less qualified candidates, send a note saying that it appears from their resumes that they may not stack up against the competition, but that if they feel strongly that they should be heard, they are still welcome to audition. Advise them that their audition may be cut short at any time. Some orchestras are also requiring a no-show deposit to thin out the ranks.

Players should get a chance to be heard, regardless of age, musical pedigree, or whether or not a conductor or orchestra member has heard of them, or of their teachers, or of their teachers' friends. Not only are open auditions more fair, but they insure that

your orchestra will not miss out on what may be some great talent. We all know of hot-shot players who landed top positions right out of school. We also know that, in a field where there may be only two or three openings across the country on a given instrument in one year, and where 200 people may apply for a job, getting a position in even a "minor league" orchestra may be the height of success. You never know where talent lies!

Julia Bogorad and Charles Ullery St. Paul Chamber Orchestra

Elections

Elections for executive officers and one member-at-large position were held at the 1988 conference. Brad Buckley, a St. Louis Symphony musician and long-time ICSOM activist, was elected chairperson. Melanie Burrell, former chairperson, was elected president. Secretary Nancy Griffin, treasurer Florence Nelson, and Senza Sordino editor Debbie Torch were all re-elected to their respective offices. Carolyn Parks, of the Kennedy Center Opera House Orchestra, will fill the remaining year in the member-at-large position vacated by Tom Hall.

As We Go To Press

Baltimore Symphony—on strike since September 24.

Settlements in Houston, Rochester, Utah, Phoenix, Tampa, and Chicago will be reported in the December issue of *Senza Sordino*.

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